

### **REMARKS/ARGUMENTS**

Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Upon entry of the above amendments, claims 1, 2, 7, 8, 11, 12, 14, 15, 17-19, 36, 38, and 40-45 will be pending. Claims 1 and 38 have been amended. Claims 5, 10, and 39 have been cancelled. Claims 40-45 are new. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

#### **Claim Rejections Under 35 U.S.C. § 102**

A. Claims 1, 2, 7, 8, 14, 17, and 18 were rejected under 35 U.S.C. § 102(b) over Derr (U.S. Patent No. 1,869,844). Applicant submits that this rejection is moot since claim 1 has been amended to include the subject matter of claim 10 which was not rejected over Derr.

Claims 2, 7, 8, 14, 17, and 18 are believed allowable for at least the same reasons presented above with respect to claim 1 by virtue of their dependence upon claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

B. Claims 1, 2, 5, 7, 8, 10, 14, 17, 19, and 36 were rejected under 35 U.S.C. § 102(b) over Nelson et al. (U.S. Patent No. 5,325,795). Applicant respectfully traverses this rejection.

Claim 1 recites, in part, an apparatus for the separation of waste constituents from matrices that includes a vessel that includes a frame adapted to receive one or more removable trays and one or more removable trays adapted to be inserted in said frame. The Office Action alleges that "Nelson et al. discloses an apparatus comprising a vessel having an interior and comprising one or more removable trays (*i.e.*, container 464, defining a tray/vessel...." See paragraph 5 of the Office Action. Applicant respectfully disagrees.

Nelson merely discloses a single container 464. Nelson does not disclose that the vessel includes a frame, and that the frame is *adapted to receive the one or more removable trays*. Specifically, claim 1 recites that the vessel and the tray are distinct elements whereas Nelson merely discloses a single container. Accordingly, Nelson does not teach or suggest, an apparatus for the separation of waste constituents from matrices that includes a vessel that

includes a frame adapted to receive one or more removable trays and one or more removable trays adapted to be inserted in said frame, as recited in claim 1.

Claims 2, 5, 7, 8, 10, 14, 17, 19, and 36 are believed allowable for at least the same reasons presented above with respect to claim 1 by virtue of their dependence upon claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. § 103

A. Claims 11, 18, and 39 were rejected under 35 U.S.C. § 103(a) over Nelson. Applicant submits that this rejection is moot with respect to claim 39 and respectfully traverses this rejection with respect to claims 11 and 18.

Claims 11 and 18 are believed allowable for at least the same reasons presented above with respect to claim 1 by virtue of their dependence upon claim 1 and because Nelson does not teach or suggest at least the subject matter of claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

B. Claim 12 was rejected under 35 U.S.C. § 103(a) over Nelson in view of Sewell et al. (U.S. Patent No. 682,118). Applicant respectfully traverses this rejection.

Claim 12 is believed allowable for at least the same reasons presented above with respect to claim 1 by virtue of their dependence upon claim 1 and because Nelson does not teach or suggest at least the subject matter of claim 1 and because Sewell does not remedy the deficiencies of Nelson. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

C. Claim 15 was rejected under 35 U.S.C. § 103(a) over Nelson in view of Schultz et al. (U.S. Patent No. 4,924,785). Applicant respectfully traverses this rejection.

Claim 15 is believed allowable for at least the same reasons presented above with respect to claim 1 by virtue of their dependence upon claim 1 and because Nelson does not teach or suggest at least the subject matter of claim 1 and because Schultz does not remedy the deficiencies of Nelson. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

D. Claim 38 was rejected under 35 U.S.C. § 103(a) over Nelson in view of Nora (EP 0 695 214). Applicant respectfully traverses this rejection.

Claim 38 is believed allowable for at least the same reasons presented above with respect to claim 1 by virtue of their dependence upon claim 1 and because Nelson does not teach or suggest at least the subject matter of claim 1 and because Nora does not remedy the deficiencies of Nelson. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

#### New Claims

Claims 40-45 are newly presented, fully supported by the original specification and believed allowable over the prior art of record. Support for new claim 40 can be found throughout the application as filed. See, *e.g.*, the Figures; page 15, lines 1-5; and original claim 5. Regarding new claims 41-45, see, *e.g.*, original claims 2, 7, 10-11, and 17. It is respectfully submitted that no new matter has been introduced with any of the above new claims.

Conclusion

In view of the foregoing, the claims are believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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